

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
H Services LLC)	File No. EB-FIELDWR-12-00003725
Antenna Structure Registrant)	
ASR # 1064907)	
Sterling, Alaska)	NOV No. V201232780021

NOTICE OF VIOLATION

Released: August 21, 2012

By the Resident Agent, Anchorage Resident Agent Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s Rules,¹ to H Services LLC, registrant of antenna structure # 1064907 in Sterling, Alaska. Pursuant to Section 1.89(a) of the Commission’s Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On April 24, 2012, agents of the Enforcement Bureau’s Anchorage Resident Agent Office inspected antenna structure # 1064907 located at 37376 Sterling Hwy, Sterling, Alaska, and observed the following violation:

- a. 47 C.F.R. § Section 17.21(a): “Antenna structures shall be painted and lighted when . . . they exceed 60.96 meters (200 feet) above the ground or they require special aeronautical study.” Antenna structure # 1064907 requires painting specifications in accordance with FCC Paragraphs 1, 3, 4, 13 and 21. FCC Paragraph 1 requires that the antenna structure to be painted throughout its height with alternate bands of aviation surface orange and white, terminating with aviation surface orange bands at both top and bottom. The width of the bands shall be equal and approximately one-seventh the height of the structure, provided however, that the bands shall not be more than 100 feet nor less than 1 ½ feet in width. All towers shall be cleaned or repainted as often as necessary to maintain good visibility. At the time of the inspection, the agents observed black cabling running part way up each of the

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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three tower legs. The black cabling obscured the structure's painting, which diminished the visibility of the structure from a distance.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, H Services LLC, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Commission's Rules, we direct H Services LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of H Services LLC with personal knowledge of the representations provided in H Services LLC response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Anchorage Resident Agent Office
P.O. Box 231949
Anchorage, Alaska 99523-1949

6. This Notice shall be sent to H Services LLC at its address of record.

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Commission's Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'" 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Marlene Windel
Resident Agent
Anchorage Resident Agent Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).